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## PART II

### Notifications by Govt. of India, Resident, Chief Court, &c.

**JUDICIAL DEPARTMENT.**

IN THE CHIEF COURT OF MYSORE AT BANGALORE

CIVIL SIDE.

*Rule of Practice No.* 122, *dated 26th September* 1905.

In supersession of the Rules of Practice noted in the margin, the following rules are prescribed by the Chief Court in regard to the arrangement of records and the destruction of useless papers in all the Civil Courts in the State.

No. 1 dated 1st May 1878.
No. 33 dated 5th October 1880.
No. 35 dated 21st February 1881.
No. 53 dated 15th September 1884.
No. 68 dated 28th October 1887.
No. 71 dated 17th January 1888.
No. 80 dated 14th March 1890.

1. These rules shall come into force from the 1st November 1905.

2. A Pherist (Index) of the form marked A in the Appendix will be put up with the record of every case on its first institution and each paper as it is filed with the record will be entered in that Index. When the parties produce lists with documents filed by them it will be enough to note in the Index those lists stating the number of documents included in them.

3. Every record shall, after its completion and immediately before it is sent to the Central Record Room under Rule 13, be divided into parts as shown in the Table given in B of the Appendix.

4. To facilitate this division, each paper will, as soon as it is filed with the record, be numbered, and will be marked off in column 4 of the Index as appertaining to one or another of such parts.

5. The clerk concerned will enter at the head of the Index the nature of the suit or proceeding with reference to Schedule C, referred to hereafter. Thus, if the suit is for foreclosure he will write at the top of the Index on the right hand side in large hand C (1)c ; if insolvency proceedings C (3)b and so forth. Below such entry the date of the final decree or order will be entered and below that the date on which Part III can be destroyed. In the event of an Appeal or Review, the date of final order therein will also be entered.

6. When an Exhibit has become void or useless in consequence of a decree and is not returnable under the provisions of the Code, a note will be made against it in the Index in the Column "Remarks", that it is superseded by decree.

7. Each paper will be marked with its serial number on the top right hand side and at the bottom on the same side with the Part to which it belongs, in red ink, in English characters, not less than quarter of an inch in length.

8. Records will ordinarily be retained for periods shown in Table C of the Appendix. But the presiding Judge may in any case direct, for reasons to be recorded in writing, that any paper be transferred, to any other Part for which a longer period is prescribed, in which case, the fact will be noted in the Remarks column of the Index. That paper will then be dealt with as if it belonged from the commencement to the Part to which it was so transferred. Any document may, with the express and written consent of the parties concerned, be destroyed at an earlier stage at the discretion of the Presiding Judge or kept filed in a sealed cover for such period as the Judge may direct, the fact being noted in the Remarks column of the Index.

9. The Court Registers, books and papers, described in the Table given in D of the Appendix will ordinarily be retained for the periods respectively specified against them, reckoning from the dates on which they respectively close. But the District Judge may, in his discretion, direct the retention, for a longer period or permanently, of any Register, book or paper which he may consider likely to be useful in the future, as containing the results of enquiries or other information, or the opinions of experienced officers in matters connected with the General Administration of Justice; and no Court subordinate to the District Judge shall cause any papers to be destroyed without having first obtained from such District Judge permission in writing to do so.

10. To enable parties, who have filed documents in Courts, to withdraw the same before the period appointed for their destruction, a notice prepared by the Central Record-keeper will be published in the *Mysore Gazette* in January of each year stating that all documents filed in the suits (to be therein enumerated) will, unless previously re-claimed, be destroyed at the expiration of the period indicated in the notice; and the following note will also be entered at the foot of every copy of a decree or order granted to any of the parties to the suit or proceeding in which such decree or order was made or to the Pleaders or authorized agents of such parties. "The parties should apply as soon as possible for the return of all Exhibits which they may wish to preserve, as the record will be liable to be destroyed after * years from this date."

11. Every Court shall maintain a Register in the following form of applications for return of documents.

REGISTER OF APPLICATIONS FOR RETURN OF DOCUMENTS.

Court of

Year :—

| Date of application | No. of Application | No. of Connected Suit | Name of applicant and his connection with the suit | Nature of document, and whether produced by applicant. Also its serial number in the Index | | Court's order returning document or rejecting application with date | Signature of party or pleader with date of return |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |

12. When any Exhibit is returned the fact and the date should be recorded in the Remarks column of the Pherist.

13. All Courts subordinate to the District Court will send to the Central Record Room within a month from the close of every quarter the records of all suits, Original, Small Cause and Appeal including the records in Execution and Miscellaneous Proceedings disposed of by them in the previous quarter. On receipt of the records, the Central Record-keeper will satisfy himself that the papers of each case are arranged, and the Index prepared, in the mode prescribed, and if they are not so arranged or prepared they will be returned to the Court which sent them to be re-transmitted with the omissions supplied or the necessary corrections made either at once or with the next batch of records.

14. The Record-keeper shall, as soon as practicable, compare the papers in each case with the lists appertaining thereto and if any paper is missing, report the matter to the District Judge who will hold such enquiry as may be called for and pass such orders as he may deem fit.

15. The Record-keeper will, by glancing at the serial numbers at the top of each paper in the case, verify that Rule 3 has been properly attended to and that Parts I to III are tied separately.

16. The Record-keeper shall not open the seal of any packet received, till he is prepared to examine its contents.

17. When Part III or any other Part has been destroyed the fact should be noted on the Index (Pherist).

18. The records liable to be destroyed will be burnt in the presence of the Head Record-keeper and the Sheristadar of the District Court who will certify the same in the pherist.

19. The District Judge will inspect once a year the records of his own Court and of those subordinate to the District Court and state in the Annual Report how far effect has been given to these Rules

V. A. RAJARATNA MUDALIAR,
*Registrar.*

* Period to be entered according to the nature of the case.